

CHAPTER 197
EDUCATION PROGRAMS FUNDED
S.F. 533

AN ACT relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state to the Iowa commission for the blind for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	<u>1983-1984</u>
	<u>Fiscal Year</u>
IOWA COMMISSION FOR THE BLIND	
For salaries, support, maintenance, and miscellaneous purposes	\$ 1,053,027

Sec. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	<u>1983-1984</u>
	<u>Fiscal Year</u>
IOWA COLLEGE AID COMMISSION	
For salaries, support, maintenance, and miscellaneous purposes	\$ 402,881

Sec. 3.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.26 and 261.27. Notwithstanding section 261.27, the funds appropriated by this section shall be allocated to each of the classes of students which received funds during the fiscal year beginning July 1, 1980, which includes the fourth year class for the fiscal year beginning July 1, 1983.

2. In addition to the requirements of sections 261.26 and 261.27, the availability of funds appropriated by this section is subject to the following condition. The funds appropriated for fiscal year 1983-1984 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1983, financial audits, conducted by an independent third party, of the participating colleges of optometry.

Sec. 4.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of seven hundred eighty-four thousand (784,000) dollars, or so much thereof as may be necessary, to be paid

to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for each fiscal year of the fiscal biennium beginning July 1, 1983, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

2. In addition to the requirements of sections 261.18 and 261.19, the availability of funds appropriated by this section is subject to the condition that one-half of the funds appropriated for fiscal year 1983-1984 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1983, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 5. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard who are enrolled as undergraduates in Iowa post-secondary educational institutions. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five dollars per year.

Sec. 6. There is appropriated from the funds appropriated to the Iowa college aid commission in section 261.25, subsection 1, an amount sufficient to make payments to individuals who were eligible to receive a tuition grant during any of the fiscal years beginning July 1, 1980 and ending June 30, 1983 but were found ineligible because they transferred from one accredited private institution to another but failed to notify the college aid commission of the transfer by the deadline date imposed by the commission. The amount of a payment is equal to the amount of the tuition grant that would have been received by an eligible recipient pursuant to section 261.12. The college aid commission shall publish information about the eligibility for the payments under this section and shall determine the names of those individuals eligible to receive payments. Upon the receipt of proof from an eligible individual that the individual was admitted and in attendance at the accredited private institution for a semester or the trimester equivalent, the college aid commission shall make the payments.

Sec. 7. There is appropriated from the general fund of the state to the state educational radio and television facility board for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

STATE EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

For salaries, support, maintenance, and miscellaneous purposes \$ 6,020,139

Sec. 8. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

*Item veto; see message at end of this Act

	1983-1984
	<u>Fiscal Year</u>
1. GENERAL OFFICE ADMINISTRATION	
a. For salaries, support, maintenance, and miscellaneous purposes	\$ 3,657,936
b. For fire service education	\$ 200,000
2. VOCATIONAL EDUCATION ADMINISTRATION	
For salaries, support, maintenance, and miscellaneous purposes	\$ 896,125
3. VOCATIONAL EDUCATION	
For vocational education aid to secondary schools	\$ 3,622,000
<p>Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapters 258 and 280A, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.</p>	
4. VOCATIONAL REHABILITATION	
For salaries, support, maintenance, and miscellaneous purposes	\$ 2,746,385
5. PROFESSIONAL TEACHING PRACTICES COMMISSION	
For the use of the professional teaching practices commission to carry out the provisions of chapter 272A	\$ 57,945
6. VOCATIONAL YOUTH ORGANIZATION FUND	
To carry out the provisions of section 258.14	\$ 10,000
7. SCHOOL FOOD SERVICE	
For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations	\$ 3,300,000

8. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1. Such funding shall be limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils

\$ 400,000

9. SCHOOL BUDGET REVIEW COMMITTEE

To carry out the provisions of section 442.13

\$ 30,000

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students for special instruction for non-English speaking students as provided in section 280.4

\$ 200,000

11. COMPUTER SOFTWARE CLEARINGHOUSE

To provide funding for planning for a computer software clearinghouse

\$ 10,000

12. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2

\$ 56,455,501

It is the intent of the general assembly that funds appropriated in this paragraph shall be used only for allocation to merged area schools for general aid purposes. Funds appropriated in this paragraph shall not be allocated to the merged area schools pursuant to chapter 286A, but shall be allocated by a formula approved by the state board of public instruction. The formula shall provide each merged area school with the same amount of state financial aids as the merged area school received during the fiscal year beginning July 1, 1982 and ending June 30, 1983 and a proportionate amount of the remaining funds appropriated in this paragraph. The remaining funds shall be allocated to each merged area school based upon the proportion that the student contact hours of enrollment eligible to receive general state financial aid for the merged area school for the fiscal year beginning July 1, 1982 and ending June 30, 1983 bears to the total number of student contact hours of enrollment for all merged area schools for the fiscal year beginning July 1, 1982 and ending June 30, 1983. *Notwithstanding section 8.33, unencumbered or unobligated funds appropriated in 1981 Iowa Acts, chapter 8, section 8, subsection 10, paragraph c, for the fiscal year beginning July 1, 1982 and ending June 30, 1983 are appropriated to the department of public instruction for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to be allocated to the merged area schools for general aid purposes.*

*Item veto; see message at end of this Act

b. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged area schools in accordance with chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools \$ 8,700,000

c. To provide funds for the Iowa industrial start-up training program in merged area schools \$ 275,000

Sec. 9. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as may be necessary for use for the following designated purposes, however, as a condition for the appropriation of these funds, the state board of regents, for purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

1983-1984
Fiscal Year

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, equipment, and miscellaneous purposes, including state board of regents members receiving a per diem, not to exceed forty dollars per day \$ 439,970

Funds appropriated to the state board of regents shall be allocated to the institutions to be used for instructional purposes and direct instructional support.

b. For western Iowa continuing education \$ 100,000

c. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in amounts as may be necessary to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions \$ 13,270,000

d. For support of the quad cities graduate study center \$ 7,300

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus

\$ 106,624,411

b. University hospitals

(1) For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255

\$ 24,702,138

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148C for the family practice program

\$ 1,382,080

c. As a condition of the appropriation made in paragraph b, funds appropriated in this section shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

d. As a condition of the appropriation made in paragraph b, it is the intent of the general assembly that before the general assembly authorizes the issuance of additional bonds under chapter 263A, the determination of the necessity that the construction be funded by the issuance of bonds shall be made by the state board of regents in consultation with the state health facilities council, the health policy corporation of Iowa, or a similar statewide health planning agency that may exist.

e. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients

\$ 5,324,166

f. State hygienic laboratory

For salaries, support, maintenance, equipment, and miscellaneous purposes

\$ 2,062,641

g. Hospital school For salaries, support, maintenance, equip- ment, and miscellaneous purposes	\$	3,737,522
h. Oakdale campus For salaries, support, maintenance, equip- ment, and miscellaneous purposes	\$	1,747,295
3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
a. General university For salaries, support, maintenance, equip- ment, and miscellaneous purposes	\$	87,414,854
b. Agricultural experiment station For salaries, support, maintenance, equip- ment, and miscellaneous purposes	\$	10,279,927
c. Cooperative extension service in agriculture and home economics For salaries, support, maintenance, and miscellaneous purposes	\$	9,858,847
4. UNIVERSITY OF NORTHERN IOWA		
For salaries, support, maintenance, equip- ment, and miscellaneous purposes	\$	34,361,273
5. STATE SCHOOL FOR THE DEAF		
For salaries, support, maintenance, and miscellaneous purposes	\$	4,212,979
6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL		
For salaries, support, maintenance, and miscellaneous purposes	\$	2,291,411

Sec. 10. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of twenty-one million one hundred nineteen thousand two hundred sixty-nine (21,119,269) dollars for fuel and electricity purposes at institutions under the state board of regents. If the amount actually expended for fuel and electricity purposes is less than twenty-one million one hundred nineteen thousand two hundred sixty-nine (21,119,269) dollars, the difference may be used for maintenance, equipment, and miscellaneous purposes.

Sec. 11. Upon the request of the Iowa educational radio and television facility board, the executive council shall sell the property and building located at 2801 Bell avenue in Des Moines, Iowa, and used by the Iowa educational radio and television facility board. The proceeds from the sale of the property and building are appropriated to the Iowa educational radio and television facility board to pay a portion of the costs of construction of a new building for the facility board. However, the executive council may direct that the building and property located at 2801 Bell avenue in Des Moines, Iowa, be used for another state purpose. If the building and property are used for another state purpose, the executive council shall determine by independent appraisal the fair market value of the building and property and, in that case, an appropriation equal to this amount may be considered by the general assembly meeting in 1984 to pay a portion of the costs of construction of a new building for the facility board.

Sec. 12. Section 257.30, Code 1983, is amended to read as follows:

257.30 **PRIVATE NONPUBLIC SCHOOL ADVISORY COMMITTEE.** ~~There is hereby established a private~~ A nonpublic school advisory committee is established which shall consist of five members, to be appointed by the governor, each of them shall to be a citizen of the United States and a resident of the state of Iowa. The term of the members shall be four years. The duties of the committee shall be to advise the state board of public instruction on matters affecting private nonpublic schools, including but not limited to the establishment of standards for teacher certification and the establishment of standards for, and approval of, all private nonpublic schools. Notice of meetings of the state board of public instruction shall be sent by the state board to members of the committee. ~~Committee members shall receive no compensation or expenses from public funds.~~

Committee members shall receive forty dollars per diem and shall be reimbursed for actual and necessary expenses incurred in performance of their duties. The per diem and expense money shall be paid from the appropriations to the department of public instruction.

Sec. 13. Section 261.12, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~1979 one thousand six~~ 1983, and each following fiscal year two thousand one hundred dollars and for each following fiscal year one thousand seven hundred dollars.

Sec. 14. Section 261.17, subsection 3, Code 1983, is amended to read as follows:

3. The amount of a vocational-technical tuition grant shall not exceed the lesser of four hundred fifty dollars per year or the amount of the student's established financial need.

Sec. 15. Section 261.25, subsections 1 and 3, Code 1983, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~twelve million nineteen million one hundred sixty-six thousand six hundred~~ dollars for tuition grants.

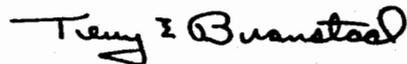
3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~three six hundred fifty seventy-two thousand four hundred seventy-two~~ dollars for vocational-technical tuition grants.

Sec. 16. Sections 261.22 and 261.23, Code 1983, are repealed.

Sec. 17. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 18. Moneys appropriated by this Act shall not be used for capital improvements.

Approved June 3, 1983, except the two items which I hereby disapprove and which are designated as Section 6; and that portion of Section 8, subsection 12, paragraph a which is herein bracketed in ink and initialed by me. These are all delineated with my reasons for vetoing in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.



TERRY E. BRANSTAD
Governor

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 533, an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Senate File 533 is approved June 3, 1983, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 6, which reads as follows:

Sec. 6. There is appropriated from the funds appropriated to the Iowa college aid commission in section 261.25, subsection 1, an amount sufficient to make payments to individuals who were eligible to receive a tuition grant during any of the fiscal years beginning July 1, 1980 and ending June 30, 1983 but were found ineligible because they transferred from one accredited private institution to another but failed to notify the college aid commission of the transfer by the deadline date imposed by the commission. The amount of a payment is equal to the amount of the tuition grant that would have been received by an eligible recipient pursuant to section 261.12. The college aid commission shall publish information about the eligibility for the payments under this section and shall determine the names of those individuals eligible to receive payments. Upon the receipt of proof from an eligible individual that the individual was admitted and in attendance at the accredited private institution for a semester or the trimester equivalent, the college aid commission shall make the payments.

I am unable to approve that portion of Section 8, subsection 12, paragraph a, which reads as follows:

Notwithstanding section 8.33, unencumbered or unobligated funds appropriated in 1981 Iowa Acts, chapter 8, section 8, subsection 10, paragraph c, for the fiscal year beginning July 1, 1982 and ending June 30, 1983 are appropriated to the department of public instruction for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to be allocated to the merged area schools for general aid purposes.

Section 6 was a last minute legislative addition to Senate File 533. This section directs the Iowa College Aid Commission to reinstate Iowa tuition grants which were withdrawn over the past three years because the recipients neglected to inform the Commission of a college transfer by the date required for reporting a transfer. The Commission would be required to make these payments out of funds appropriated for future tuition grants. The Commission must also determine the names of those eligible for the payments and publicize the eligibility information.

The Iowa tuition grant program has been immensely successful in providing Iowa students with the financial ability to study at Iowa's fine private colleges and universities. Last year, over 10,000 Iowa students received a tuition grant. I strongly support this program and I am pleased that the legislature included in this bill my recommendation to substantially increase funding for it.

Because of the sizeable participation in this program, the Commission is forced to set deadlines and to require conformance with the terms of the tuition grant award. Indeed, in order to efficiently and fairly handle the more than 30,000 student documents received each year, the Commission must establish orderly procedures and deadlines for the program. One of these deadlines relates to the transfer notification.

Students receiving tuition grants are allowed to transfer from one college to another while retaining their grant. However, the Commission staff is then required to recalculate the revised amount of the grant, since grant amounts are based upon college costs. In order to recalculate the grant, the Commission must be notified of the transfer. Otherwise the grant will be sent to the original college, which will in turn notify the Commission that the student is not enrolled. As a result, the tuition grant will be withdrawn and the award will be made to another student. In short, the student must notify the Commission of a transfer in order to avoid losing a grant award.

In addition, the Commission's administrative rules clearly state that the student, to be eligible for a grant award, must meet the terms and conditions of the grant award. Indeed, the grant award to all students clearly specifies that any change in college must be reported to the Commission and failure to do so may result in the loss of the award.

This provision of Senate File 533 at issue here thus attempts to void the transfer notification condition of the tuition grant awards for the last three years. I cannot approve Section 6 for the following reasons.

1) The retroactive funding for these tuition grants will reduce next year's tuition grant appropriation. The fiscal estimates of this provision are as high as \$80,000 for each of the last three years. Thus, Section 6 could deny up to \$240,000 in tuition grants to needy students planning to go to a private college this fall. It would be unfair to penalize future students for the failure of past students to abide by the terms of their grant awards.

2) Many of the needy students who failed to receive a tuition grant because of the failure to provide a transfer notification were still able to be helped with federal or college funds. Moreover, federal or college student aid rules could require the repayment of the federal or college aid received upon the receipt of the retroactive tuition grant award. Thus, Section 6 of this bill could give the students an administrative headache and little financial assistance.

3) This provision of Senate File 533 would place an additional administrative burden on both the College Aid Commission and the private colleges. Section 6 would require the Commission and the private schools to spend a sizeable amount of time reconstructing records of students who may no longer be enrolled. This would be an additional administrative task for private colleges during an extremely busy time of the year for financial aid staff. The time spent trying to reconstruct records of students who may not be enrolled in the fall will detract from the attention that can be given to new students with financial needs.

4) The transfer notification deadline does not appear to be unreasonable. It is needed to fairly and efficiently award grants to the thousands of Iowa students who apply for them.

Moreover, the notification deadline is plainly spelled out to the student on the grant award and has been well-publicized. There would appear to be no reasonable excuse to violate the notification requirement.

While students and parents may occasionally get frustrated by particular procedures, they are needed for consistency and fairness. And no single rule violation should be singled out for special treatment. If rule changes are needed, it would be far better to work with the Commission to revise them than to tie retroactive rule changes to appropriations for new students.

The appropriation for the merged area schools contains a provision which would allow area schools to retain the unspent portion of their additional fiscal year 1983 utility and fuel funds for expenditure in fiscal year 1984. I am unable to approve that provision because it would result in inequitable treatment of utility budgets for state-funded agencies and institutions.

In 1981, the legislature appropriated \$600,000 for fiscal year 1982 and 1983 in additional utility and fuel funds for the area schools. These funds were intended to pay for any utility and fuel costs that were larger than expected. Due to a slower than expected rise in utility costs over the past year, up to \$300,000 of the special utility appropriation will not be spent this fiscal year.

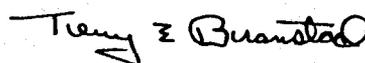
Ordinarily, that amount would revert to the state's general fund. However, this portion of Senate File 533 allows the area schools to retain the unspent funds and to roll them into the base upon which future budgets will be built.

Many state agencies experienced a similar surplus of utility appropriations and these extra funds are being reverted to the state's general fund. Indeed, the Board of Regents will be reverting over \$6 million to the general fund, most of which is the result of unspent utility funds. These reversions are welcome since they will provide a needed boost to the state's strained budget. State fiscal demands prevent an exemption of merged area schools from these utility reversions.

Moreover, while I understand the fiscal concerns of area schools, I question whether the merged area schools need to be singled out for this special treatment. The state has historically attempted to treat the area schools and the Regents institutions similarly when funding operational budgets. Indeed, my budget applied the same budgetary guidelines to the area school operational budgets as those applied to the Regents. However, the legislature reduced the Regents fiscal year 1984 utility budget significantly below my requests while increasing the merged area budget by \$400,000 over my recommendation. Since there is no evidence of significantly higher fuel rates for area schools than those paid by the Regents institutions, there would appear to be little reason to exempt the area schools from reverting their unspent utility funds to the state.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 533 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor